

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-3, 7-9, 12-14, 17-20, 27-37, 60, 61, 63-65, and 81-88 are pending, with claims 4-6, 10, 11, 15, 16, 21-26, 38-59, 62, and 66-80 being canceled and claims 83-88 being added.

The Present Amendments

No new matter has been added by the present amendments.

The specification has been amended to recite the priority of the application.

The independent claims have been amended to recite antibodies with the CDRs of the antibodies designated T105, T405, and T408, as shown in Figures 2a and 2b, while the dependent claims have been amended to recite that the antibodies can further have the sequences shown for the variable heavy and variable light chains of those antibodies and optionally can have cysteine residues engineered into the framework regions to permit formation of a disulfide bond between the chains or the chains can be connected by a peptide linker. The amendments are supported by, among other things, Figures 2a and 2b and by the claims as originally filed. The remaining claims have been consolidated.

The Telephone Interview

Applicants thank the Examiner for his courtesy in scheduling and conducting a telephone interview on April 8, 2008, regarding this application. In the interview, the undersigned counsel for the Applicants discussed amending the claims to recite anti-CD30 antibodies having CDRs as set forth in the Figures. The Applicants believe that the interview was helpful in expediting prosecution.

The Office Action and Response Thereto

The Office Action dated January 17, 2008 (the "Action") indicates that the claims drawn to specific antibodies would be allowable if rewritten in independent form. The claims as amended recite antibodies having the CDRs of three antibodies identified in the specification, including antibodies having the specific VH chain and VL chain sequences set forth in Figures 2a and 2b, with or without cysteine residues being engineered into the sequences to permit the formation of a disulfide bond between the chains. The amendments are believed to obviate the rejections. For clarity, the rejections are addressed in order below.

Priority recitation

The Action suggests amending the specification to recite the chain of priority. The specification has been amended as suggested.

Rejections for indefiniteness

Claims 3, 8 and 13 are rejected under 35 U.S.C. § 112 as indefinite for reciting specified residues of CD30. To expedite prosecution, the claims no longer recite residues of CD30. The rejection is therefore believed to be obviated.

Claims 2, 40 and 41 are stated to be indefinite for reciting "disulfide-stabilized recombinant variable ("dsFv)". The language of claim 2 has been clarified and claims 40 and 41 have been canceled herein. Accordingly, this rejection is believed to be obviated.

Rejection for enablement

The Action rejects claims 38, 40, 42-45, 67, and 81-82 for alleged lack of enablement. According to the Action, the specification is enabling for antibodies comprising 6 CDRs, but the rejected claims only require the presence of 1 CDR. Without necessarily agreeing with the Action, the claims under examination recite antibodies with 6 CDRs.

Rejection for Anticipation

Claims 1-4, 7-9, 12-14, and 18-20 are rejected under §102(b) as anticipated by Lemke et al., WO 96/22384 ("Lemke"). The Action asserts that Lemke teaches two antibodies which the Action states binds epitopes bound by some of the antibodies taught in the specification.

The Applicants disagree with the Action. Nonetheless, to expedite prosecution, the claims have been amended to recite antibodies to which the rejection was not applied. Accordingly, this rejection is believed to be obviated by the amendments herein.

Request for Rejoinder of Process Claims

The amendments herein are believed to place the antibody and kit claims in condition for allowance. Applicants respectfully note that the Restriction Requirement dated June 21, 2007 imposed a restriction between products and processes, subject to rejoinder of the process claims if the product claims were found allowable and the process claims were amended to recite all the limitations of the product claims. Applicants respectfully request rejoinder of the process claims in this application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laurence J. Hymar", with a long, sweeping horizontal stroke extending to the right.

Laurence J. Hymar
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